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Letter dated 30 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to draw your attention to the statements made in the letter of 19 December 2002, addressed to you by Mr. Naji Sabri Al-Hadithi, Minister for Foreign Affairs of Iraq, in which he alleges that Kuwait seized an Iraqi tugboat and its crew in Iraqi territorial waters and requests you to intervene with a view to their immediate release. In order to clarify the facts relating to this event, I should like to point out the following:

1. At exactly 5 p.m. on Wednesday, 4 December 2002, the Ministry of Defence Navy arrested an Iraqi tugboat and its crew of four Iraqi nationals, namely:

- Abd al-Karim Ali Abd al-Muhsin Al-Ghanim;
- Husayn Ali Hafiz Mahmud;
- Ma`n Majid Abbas Al-Mayahi;
- Riyad Jabbar Muhammad Yunus;

2. The Iraqi tugboat and its crew were seized upon entering Kuwaiti territorial waters, and the said crew members, upon being questioned, asserted that they were heading for Khawr al-Zubayr but had wandered off their course into Kuwaiti territorial waters owing to the bad weather conditions on that day;

3. After the competent authorities conducted the necessary investigation with the tugboat crew members, the International Committee of the Red Cross (ICRC) was contacted, on 16 December 2002, with a view to taking the requisite steps for their departure;

4. On 22 December 2002 ICRC addressed to the competent authorities in Kuwait a note stating that an ICRC representative had visited the Iraqi tugboat crew members at the expatriation directorate in Kuwait and that they had expressed to him their unqualified desire to return to Iraq. In consequence, the ICRC delegation in Baghdad was telephoned and was requested to contact the Iraqi authorities in order to obtain approval for the return of the tugboat crew members to Iraq;

5. Upon obtaining the approval of the Iraqi authorities, ICRC will coordinate with the Kuwaiti authorities in order to agree on the details of the operation of returning the tugboat crew members to Iraq.

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It must be pointed out that up to the time of this writing, we have not been informed by ICRC of the agreement of the Iraqi authorities to the start of the necessary procedures, yet the competent authorities in Kuwait have, for their part, and for nearly two weeks, taken every possible step to facilitate the return of the persons in question to Iraq.

In consideration of the foregoing, it is clear that the allegations made by the Government of Iraq in its letter are nothing more than another instance of the fabrications and assertions contrary to fact which it has persisted in repeating. Kuwait denies the statements made in the said letter, and we request you to intervene with the Government of Iraq and demand that it desist from these groundless allegations, through which it seeks to create a climate of tension and instability in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mansour Ayyad Sh. A. **Al-Otaibi**
Chargé d'affaires a.i.